FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

**WRIT PETITION NO.2579 OF 2004**

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Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders

Court's or Judge's orders

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Shri I.M.Khairdi for the petitioner.

None for Respondents.

**Coram : S.C.Dharmadhikari,J**

**Date : 23.8.2005.**

PC

1. Heard Shri Khairdi for the petitioner. The petitioner makes a grievance that the election petition which is preferred by the 3rd respondent challenging the election of the petitioner being Election Dispute No.7/2003 is pending. In this election dispute the petitioner appeared and filed his say. He also filed an application praying that the issue of limitation be treated as preliminery issue and decided in accordance with law. It is his grievance that the 2nd respondent did not pass any orders on his

application and instead directed that the caste certificate of the petitioner be scrutinised and verified. After hearing Shri Khairdi, in my view, no useful purpose would be served by entertaining this petition. It will always be open for the petitioner to raise the issue of limitation in pending election dispute. The said issue be decided on its own merits alongwith other issues uninfluenced by any observation and finding of the respondent no.2 made earlier. All contentions of both sides in that behalf are kept open. Equally, it would be open for the petitioner to raise the issue of jurisdiction of the 2nd respondent to refer his caste certificate for scrutiny and verification in an Election petition preferred by 3rd respondent. All contentions of both sides in this behalf are kept open. Petition stands disposed of with the above observations.

**(S.C.Dharmadhikari,J)**